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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,560	10/09/2001	Mark A. Johnson	RD-28,600	7497

7590

02/11/2003

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EXAMINER

THOMAS, COURTNEY D

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,560

Applicant(s)

JOHNSON ET AL.

Examiner

Courtney Thomas

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

2. Applicant's election with traverse of claims 13-18 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the inventions set out by the claims in Group I (claims 1-12) and Group II (claims 13-18) are related. This is not found persuasive because the inventions are distinct from one another and have achieved a separate status in the art as symbolized in their different classification.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Faul et al. (U.S. Patent 5,440,606).

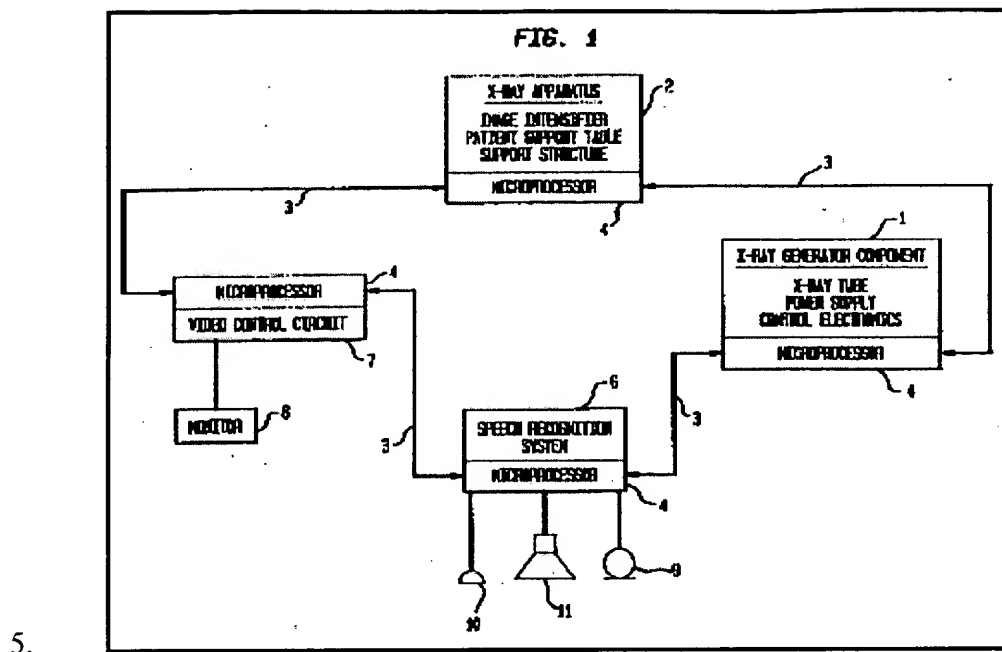


Figure 1 - U.S. Patent 5,440,606 to Faul et al.

6. As per claim 13, Faul et al. disclose an apparatus comprising an x-ray source (1) a detector (2) a patient table (2 - column 2, lines 25-31) a video monitor (8) and a voice activated control system (6) comprising a microphone (9) and micro-processor (column 3, lines 21-25); the processing comprising at least one word and phrase recognition (column 2, lines 64-68, column 3, lines 1-31); the control system (6) coupled to controls for at least one of the x-ray source (1), detector (2) and monitor (8) for executing commands received by the control system (Fig. 1, above; abstract). Examiner treats the presence of an audio amplifier as an inherent device within a microphone; the device functioning to receive and amplify acoustical signals.
7. As per claim 16, Faul et al. disclose an apparatus further comprising a speaker (11).
8. As per claim 18, Faul et al. disclose an apparatus wherein controls comprise x-ray generator controls (4) and image review controls (4).

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faul et al. (U.S. Patent 5,440,606).

11. As per claims 14 and 15, Faul et al. do not explicitly disclose an apparatus comprising an audio amplifier or a highly directional microphone.

12. It would have been obvious to modify the apparatus of Faul et al. such that it incorporated an audio amplifier and a highly directional microphone. One would have been motivated to make such a modification so that low or soft voice commands are sensed from any position relative to the microphone and amplified so that system components can correctly interpret the received commands, resulting in efficient device operation.

13. As per claim 17, Faul et al. do not explicitly disclose an apparatus wherein the x-ray source, detector, monitor and microphone are located in an exam room with a microphone sensitivity zone located therein.

14. It would have been obvious to modify the apparatus of Faul et al. such that it was located in an exam room with a microphone sensitivity zone located therein. One would have been motivated to make such a modification so that operator voice commands could be easily received by the control system while the examination of a patient is simultaneously being carried out.

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (703) 306-0473. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305 3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Courtney Thomas

February 4, 2003

  
ROBERT H. KIM  
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